

American and they pay their credit card bill on time, what does GE do? They cancel their credit card. These are the provisions that we ought to be standing up and making certain are contained in this bill.

I know my friend the gentleman from Pennsylvania (Mr. GEKAS) has a great deal of consumers that I am sure he represents, and I hope that he would support the provisions in the Senate bill that incorporate these basic protections against the consumer.

Mr. GEKAS. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. GEKAS) has 8 minutes remaining. The gentleman from New York (Mr. NADLER) has 30 seconds remaining.

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Massachusetts (Mr. KENNEDY) misapprehends the entire argument here in debate. His very concern about consumers, his stated concern about consumers is what drove us in the first place to bring about bankruptcy reform, because the consumers of our Nation have had to pick up the tab right across the board for those who fail to repay their debts even when they have the ability to repay their debts. Now, that is the core of the problem in bankruptcy.

Yet, while the detractors of our efforts on bankruptcy reform were attacking it on the consumer basis, they were also saying part of the problem is that credit card companies are too free, just like the gentleman from Massachusetts (Mr. KENNEDY) is saying, in distributing these cards to everybody and these people pick them up and use credit.

Now he is in favor of an amendment of the Senate that tightens up, that does not permit the extension of credit to some people. He wants to make it easier yet for people to have credit cards. That is a position against his own position. If his motion carries and this is removed, there will be creditors who are willing to have even more credit extended, and more consumers will want more credit and have nothing to stop them from more credit, exactly the position that he says causes the problem in the first place.

It is a convoluted argument. On one hand he says credit card companies swamp the American public with credit cards. Now this one which says that a credit company should be more discriminating in how to extend credit, then we have got to remove that discrimination, make the credit card company more easily distribute credit cards all over the place.

Mr. KENNEDY of Massachusetts. Mr. Speaker, yield the gentleman yield?

Mr. GEKAS. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I appreciate the gentleman yielding.

The truth is that what we are talking about here is not whether or not we

should be allowing tens of thousands, for every single American 10 new credit cards provided each year. The question is whether or not we should be allowing companies to cancel only those credit cards that are being paid on time. That is what these companies are doing.

I am not in favor of expanding credit to those people that cannot pay. We are asking the companies that cancel credit cards when an individual simply pays on time to outlaw that practice.

Mr. GEKAS. Mr. Speaker, reclaiming my time, the gentleman makes an argument that I am certain the Committee on Banking and Financial Services would entertain at any given time, if only he would present it to them. Because that has to do with the whole competitive system of banks and credit cards and nothing really to do with the debate that brought about bankruptcy reform which is contained in 3150. This was added at the last moment.

But, in general, his argument has to do with the right of the credit card company to discriminate as to whom to give a credit card. He still maintains that they are too free in sending out thousands of credit cards to people, but then he says we should not let the credit company discriminate as to whom they should issue a credit card. How can we sustain both arguments? It does not make any sense.

What he is really saying, I say to the gentleman from Massachusetts (Mr. KENNEDY), is that this is an issue on credit card extension and credit extension generally that belongs in the Committee on Banking and Financial Services, on issues that have nothing to do with the narrow scope of the bankruptcy bill. It has to do with the ability of people to repay debts and allowing a channel for doing so.

□ 1700

That is exactly what the bankruptcy bill does. I believe very strongly that to adopt the motion that has been made here and to allow the Senate amendment to survive would mean increased costs for consumers generally across the land, all of us who use credit cards, for those who need to make available to students a credit system that will allow them to get credit, without the specter of higher annual fees or higher interest rates, which can be forced upon them if you insist that credit card companies would have to extend credit the way you want them to do it, not the way that the market itself demands. You insist that they should not be able to cut off someone and charge an annual fee because you know better than they what the market conditions are at a particular time, for which their profit margins and cost margins dictate that they have got to charge an annual fee, even to the good customer, or else they would not be able to offer credit to anybody. But you would substitute your judgment and say, by darn, they have got to do that, while the at the same time you say the credit card companies are too

free in sending out credit cards all over the landscape. It makes no sense at all.

I maintain that in the motion to instruct, we ought to vote no to preserve the stability of the competitive system in credit extension.

Mr. Speaker, I yield back the balance of my time.

Mr. NADLER. Mr. Speaker, I yield the balance of my time to the gentleman from Massachusetts (Mr. KENNEDY).

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from Massachusetts is recognized for 30 seconds.

Mr. KENNEDY of Massachusetts. Mr. Speaker, let me just say that there is a bizarre twisting of the truth. What we have here is a situation where, yes, we want people to have access to credit, but we do not want people to have access to credit that the credit card companies simply know cannot pay back their bills. That is true with young kids, that is true with people that are overindebted, and it is true when we have a situation where the credit card company is not interested in costs, they are interested in profits. What they do not want is they do not want people who pay on time, because they cannot charge the 22, 25 and 30 percent interest rates, which is where they make their money.

Vote for the Nadler bill, vote for the motion to instruct; stand up for the American consumer.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from New York (Mr. NADLER).

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. NADLER. Mr. Speaker, I demand a recorded vote.

The SPEAKER pro tempore. Pursuant to the order of the House of today, further proceedings on this motion will be postponed.

#### MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5, rule I, the Chair will now put the question on each postponed question on which further proceedings were postponed earlier today.

Votes will be taken in the following order.

Motion to suspend the rules and pass H.R. 3891, as amended, de novo;

Conference report on H.R. 4103, by the yeas and nays;

Conference report on H.R. 4060, by the yeas and nays; and

The motion to instruct on H.R. 3150, de novo.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

# TRADEMARK

## ANTICOUNTERFEITING ACT OF 1998

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3891, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the bill, H.R. 3891, as amended.

The question was taken.

Mr. FORBES. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 245, nays 167, not voting 22, as follows:

[Roll No. 470]

### YEAS—245

Abercrombie	Deal	Horn
Aderholt	Delahunt	Hostettler
Archer	Dooley	Houghton
Baesler	Doolittle	Hoyer
Ballenger	Duncan	Hulshof
Barr	Dunn	Hunter
Barrett (NE)	Ehlers	Hutchinson
Barrett (WI)	Ehrlich	Hyde
Bartlett	Emerson	Inglis
Barton	English	Istook
Bass	Eshoo	Jefferson
Bateman	Etheridge	Johnson (CT)
Bereuter	Evans	Johnson, Sam
Bilbray	Everett	Jones
Bilirakis	Ewing	Kaptur
Bliley	Farr	Kasich
Blunt	Fattah	Kennedy (RI)
Boehlert	Fawell	Kim
Boehner	Fazio	Kind (WI)
Bonilla	Fox	Kingston
Bono	Frank (MA)	Klecza
Boswell	Franks (NJ)	Knollenberg
Boucher	Frelinghuysen	Kucinich
Boyd	Furse	LaHood
Brady (PA)	Galleghy	Latham
Brown (CA)	Ganske	LaTourette
Bryant	Gekas	Lewis (CA)
Bunning	Gibbons	Lewis (KY)
Burr	Gilchrest	Linder
Burton	Gillmor	Lipinski
Buyer	Gonzalez	LoBiondo
Camp	Goode	Lofgren
Canady	Goodlatte	Lucas
Cannon	Goodling	Maloney (CT)
Capps	Gordon	Maloney (NY)
Cardin	Graham	Matsui
Carson	Granger	McCollum
Castle	Greenwood	McCrery
Chambliss	Gutknecht	McDade
Chenoweth	Hall (TX)	McGovern
Coble	Hamilton	McInnis
Collins	Hansen	McIntosh
Condit	Harman	McIntyre
Cook	Hastings (WA)	McKeon
Cooksey	Hayworth	McNulty
Cramer	Hefley	Menendez
Crane	Herger	Metcalfe
Crapo	Hill	Mink
Cubin	Hilleary	Moran (KS)
Cummings	Hinchee	Moran (VA)
Cunningham	Hobson	Morella
Davis (FL)	Holden	Myrick
Davis (VA)	Hooley	Nethercutt

Neumann	Rogers	Stump
Ney	Rothman	Sununu
Norup	Roukema	Talent
Norwood	Royce	Tanner
Nussle	Ryun	Tauscher
Obey	Salmon	Tauzin
Ortiz	Sanchez	Taylor (NC)
Oxley	Saxton	Thomas
Packard	Scarborough	Thornberry
Pappas	Schaefer, Dan	Thune
Parker	Schaffer, Bob	Tiahrt
Pease	Sensenbrenner	Turner
Peterson (MN)	Sessions	Upton
Peterson (PA)	Shadegg	Walsh
Petri	Shimkus	Wamp
Pickering	Shuster	Watkins
Pitts	Skeen	Watts (OK)
Pombo	Smith (NJ)	Weldon (FL)
Porter	Smith (OR)	Weldon (PA)
Portman	Smith (TX)	Wexler
Quinn	Smith, Adam	White
Radanovich	Smith, Linda	Whitfield
Ramstad	Souder	Wicker
Redmond	Spence	Wilson
Regula	Spratt	Wolf
Riggs	Stabenow	Woolsey
Riley	Stearns	Young (AK)
Roemer	Stenholm	Young (FL)
Rogan	Strickland	

### NAYS—167

Ackerman	Hall (OH)	Pallone
Allen	Hastert	Pascarell
Andrews	Hastings (FL)	Pastor
Bachus	Hefner	Paul
Baldacci	Hilliard	Payne
Barcia	Hinojosa	Pelosi
Becerra	Hoekstra	Pickett
Bentsen	Jackson (IL)	Pomeroy
Berman	Jackson-Lee	Price (NC)
Berry	(TX)	Rahall
Bishop	Johnson (WI)	Rangel
Blagojevich	Johnson, E. B.	Reyes
Blumenauer	Kanjorski	Rivers
Bonior	Kelly	Rodriguez
Borski	Kennedy (MA)	Rohrabacher
Brady (TX)	Kildee	Roybal-Allard
Brown (OH)	Kilpatrick	Rush
Calvert	King (NY)	Sabo
Campbell	Klink	Sanders
Chabot	Klug	Sandlin
Clay	Kolbe	Sanford
Clayton	LaFalce	Sawyer
Clement	Lampson	Scott
Clyburn	Lantos	Serrano
Conyers	Lazio	Shaw
Costello	Leach	Shays
Cox	Lee	Sherman
Coyne	Levin	Sisisky
Danner	Lewis (GA)	Skaggs
Davis (IL)	Livingston	Skelton
DeFazio	Lowe	Slaughter
DeGette	Luther	Smith (MI)
DeLauro	Manton	Snowbarger
DeLay	Manzullo	Snyder
Deutsch	Markley	Solomon
Diaz-Balart	Mascara	Stark
Dickey	McCarthy (MO)	Stokes
Dicks	McCarthy (NY)	Stupak
Dingell	McDermott	Thompson
Dixon	McHale	Thurman
Doggett	McHugh	Tierney
Doyle	McKinney	Torres
Dreier	Meehan	Towns
Edwards	Meek (FL)	Trafigant
Engel	Meeks (NY)	Velazquez
Ensign	Mica	Vento
Filner	Millender-	Visclosky
Foley	McDonald	Waters
Forbes	Miller (FL)	Watt (NC)
Ford	Minge	Waxman
Fossella	Moakley	Weller
Frost	Mollohan	Weygand
Gedjenson	Murtha	Wise
Gephardt	Nadler	Wynn
Gilman	Oberstar	Yates
Green	Olver	
Gutierrez	Owens	

### NOT VOTING—22

Armey	Goss	Paxon
Baker	Jenkins	Poshard
Brown (FL)	John	Pryce (OH)
Callahan	Kennelly	Ros-Lehtinen
Christensen	Largent	Schumer
Coburn	Martinez	Taylor (MS)
Combest	Miller (CA)	
Fowler	Neal	

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Ms. WATERS, Mrs. KELLY, and Messrs. GREEN, GEJDENSON, HEFNER, LIVINGSTON, SMITH of Michigan, WYNN, DEUTSCH, LAZIO of New York, McHUGH, HASTERT, TIERNEY, MEEHAN, BLUMENAUER, CALVERT, COSTELLO, ROHRBACHER, COYNE, FOSSELLA, SOLOMON, SANFORD and GUTIERREZ changed their vote from “yea” to “nay.”

Messrs. SCARBOROUGH, FATTAH, SPRATT, MCINTYRE, ABERCROMBIE, ADAM SMITH of Washington, ROTHMAN, HINCHEY, and ROYCE changed their vote from “nay” to “yea.”

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

### PERSONAL EXPLANATION

Ms. ROS-LEHTINEN. Mr. Speaker, I was unavoidably detained and wish to be recorded as a “no” vote on the motion to suspend the rules and pass H.R. 3891 (Rollcall 470).

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional question on which the Chair has postponed further proceedings.

### CONFERENCE REPORT ON H.R. 4103, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1999

The SPEAKER pro tempore. The pending business is the vote on the conference report on H.R. 4103.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to the provisions of clause 7 of rule XV, the yeas and nays are ordered.

This is a five-minute vote.

The vote was taken by electronic device, and there were—yeas 369, nays 43, not voting 22, as follows:

[Roll No. 471]

### YEAS—369

Abercrombie	Bateman	Bono
Ackerman	Becerra	Borski
Aderholt	Bentsen	Boswell
Allen	Bereuter	Boucher
Andrews	Berman	Boyd
Archer	Berry	Brady (PA)
Bachus	Bilbray	Brady (TX)
Baesler	Bilirakis	Brown (CA)
Baldacci	Bishop	Brown (OH)
Ballenger	Blagojevich	Bryant
Barcia	Bliley	Bunning
Barr	Blunt	Burr
Barrett (NE)	Boehlert	Burton
Bartlett	Boehner	Buyer
Barton	Bonilla	Calvert
Bass	Bonior	Camp